IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 32906 of 2007(P)

PETITIONER:

KRISHNAN, S/O.THAIPARAMBIL ACHAPPA,
PACHATTIRI AMSOM DESOM, POST PACHATTIRI,
TIRUR TALUK, MALAPPURAM DISTRICT,
PIN 676101.

BY ADV. SRIC.M.MOHAMMED IQUABAL

RESPONDENTS:
----

1. THE SUPERINTENDENT OF POLICE,
MALAPPURAM PIN 676101.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUR, MALAPPURAM. PIN.676 101.

3. THE CIRCLE INSPECTOR OF POLICE,
TIRUR, MALAPPURAM DISTRICT PIN 676101.

4. CHANDRAN, S/O.THAIPARAMBIL ACHAPPA,
PACHATTIRI AMSOM DESOM, POST PACHATTIRI,
TIRUR TALUK, MALAPPURAM DISTRICT PIN 676 101.

5. KARUNAKARAN, S/O.THAIPARAMBIL ACHAPPA,
PACHATTIRI AMSOM DESOM, POST PACHATTIRI,
TIRUR TALUK, MALAPPURAM DISTRICT PIN 676 101.

6. VELAYUDHAN, S/O.THAIPARAMBIL ACHAPPA,
PACHATTIRI AMSOM DESOM, POST PACHATTIRI,
TIRUR TALUK, MALAPPURAM DISTRICT PIN 676 101.

BY GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.32906 of 2007-P

Judgment

Balakrishnan Nair, J.

The petitioner is the owner of 18.75 cents and 8.75 cents of land covered by Exts.P2 and P4 title deeds respectively. Respondents 4 to 6 are the brothers of the petitioner. The second plot of land measuring 8.75 cents of land was assigned by their mother in the name of the petitioner's wife. It appears, the brothers are not happy with the said transaction and therefore, when the petitioner goes along with his workmen to pluck coconuts from the coconut trees standing in the said property, the above respondents are obstructing. Therefore, the petitioner has moved the police by filing Exts.P6 and P7 representations. Thereafter, this Writ Petition is filed seeking the following relief:

> *"Issue a writ of manamus or any other appropriate writ, order or direction, directing the respondents 1 to 3 to give necessary protection to the petitioner and his workers to collect coconut from the property of the petitioner comprised in Survey No.158/2*

of Pachattiri Amsom covered by Exts.P2 and P4 documents."

We are of the view that the Police do not owe any duty to the petitioner to peruse his title deeds and find out his right to pluck coconuts from the above said property and thereafter grant protection to him against the obstruction of his brothers. The petitioner has to move the civil court for appropriate orders. The civil court has also powers to address the police to render police assistance to the petitioner to enforce the orders passed by it. In view of the above efficiatious remedy, this Writ Petition is not maintainable. Further, it is not maintainable for yet another reason also. As noticed earlier, the Police do not have any duty to interfere in a civil dispute and grant protection to the petitioner. Accordingly, the Writ Petition is dismissed without prejudice to the contentions of the petitioner and his right to move other forums for appropriate reliefs.

K.BALAKRISHNAN NAIR,JUDGE

06.11.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

sta